

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 05-2553

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A.W.

v.

THE JERSEY CITY PUBLIC SCHOOLS;  
NEW JERSEY DEPARTMENT OF EDUCATION;  
JEFFREY V. OSOWSKI, former Director, Division of Special Education;  
BARBARA GANTWERK, Director, Office of Special Education Programs;  
SILVIA ELIAS, former Executive Director of Pupil Personnel Services;  
PRISCILLA PETROSKY, Associate Superintendent for Special Education;  
JOHN IWANOWSKI; MARY HEPBURN; JOAN EDMISTON; DENISE BRAAK;  
MARY MACEACHERN; EDWARD FAUERBACH, Learning Disabilities  
Teacher-Consultants; NORMA CHRISOMALIS; GWENDOLYN JACKSON;  
LINDA COLON; RONNE BASSMAN; WILLIAM RONZITTI;  
ROXANNE JOHNSON, Supervisors of Special Education;  
SHARNETTE GREEN, Teacher;  
MELINDA ZANGRILLO, Coordinator of Compliance;  
JANE DOE AND JOHN DOE (1)-(5),  
all in their official and individual capacities

New Jersey Department of Education;  
Jeffrey V. Osowski;  
Melinda Zangrillo;  
Barbara Gantwerk,  
Appellants

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Appeal from the United States District Court  
for the District of New Jersey  
(D.C. Civil No. 01-cv-00140)  
District Judge: Honorable Jose L. Linares

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Argued July 10, 2006  
Before: SLOVITER, McKEE and RENDELL, Circuit Judges.

Reargued En Banc February 21, 2007  
Before: SCIRICA, Chief Judge, SLOVITER, McKEE,  
RENDELL, BARRY, AMBRO, FUENTES, SMITH, FISHER,  
JORDAN and VAN ANTWERPEN\*, Circuit Judges.

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JUDGMENT

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This cause came on to be heard on the record from the United States District Court for the District of New Jersey and was argued on July 10, 2006 and reargued en banc on February 21, 2007. On consideration whereof, it is now here

ORDERED and ADJUDGED by this Court that the Order of the District Court entered on April 22, 2005, denying defendants' motion for qualified immunity, be and the same is hereby REVERSED and the case is REMANDED to the District Court for entry of judgment in favor of defendants. All of the above in accordance with the opinion of this Court. Costs taxed against the Appellee.

ATTEST:

/s/ Marcia M. Waldron  
Marcia M. Waldron, Clerk

Dated: May 24, 2007

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\* Honorable Franklin S. Van Antwerpen assumed senior status on October 23, 2006 after the case was initially argued and continues to participate in the matter pursuant to I.O.P 9.6.4.